

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	CIVIL ACTION NO. 05-30202-MAP
THE WOLFINGTON GROUP,)	
)	
Plaintiff,)	
)	
V.)	
)	
BERTERA CHEVROLET, PONTIAC,)	
BUICK, INC.,)	
)	
Defendant.)	
_____)	

**DEFENDANT, BERTERA CHEVROLET, PONTIAC, BUICK, INC.'S MOTION FOR
LEAVE TO AMEND ITS ANSWER TO ASSERT A COUNTERCLAIM AGAINST THE
PLAINTIFF**

NOW COMES the Defendant, Bertera Chevrolet, Pontiac, Buick, Inc. ("Bertera"), by and through its attorney, John A. Kiernan, and hereby moves, pursuant to F.R.C.P. (13)(f), to amend its Answer to the Plaintiff's Complaint to assert a counterclaim against the Plaintiff. As grounds in support hereof, Bertera states that the plaintiff will not suffer any prejudice as a result of the inclusion of Bertera's counterclaim in the pending litigation, given that the plaintiff was apprised of the basis for Bertera's counterclaim previously and has already received documentation supporting said counterclaim. In further support thereof, Bertera hereby incorporates by reference the attached Memorandum of Law as if expressly re-written herein.

WHEREFORE, the Defendant, Bertera Chevrolet, Pontiac, Buick, Inc. respectfully requests that this Court grant it leave to amend its answer to assert a counterclaim against the Plaintiff.

**BERTERA CHEVROLET, PONTIAC,
BUICK, INC.**

By its attorney,

s/John A. Kiernan

John A. Kiernan, (BBO No. 271020)

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